STATEMENT OF COMPLIANCE OF LEGISLATION OF THE REPUBLIC OF KOSOVO WITH THE EU ACQUIS

1. Proposing body of the normative act: Ministry of Justice

2. Title of the draft normative act: Draft Law on Ratification of the Agreement Between the Government of the Republic of Kosovo and the Government of the Republic of Italy on the transfer of Sentenced Persons

3. Compliance of the draft normative act with provisions of the Stabilization and Association Agreement or Interim Agreement.

3.1 SAA provisions and Interim Agreement regarding the normative content of the normative act.

ARTICLE 83
Strengthening institutions and rule of law

With regard to cooperation in the field of justice, freedom and security, the Parties shall attach particular importance to the consolidation of the rule of law and the reinforcement of institutions at all levels in the areas of administration in general and law enforcement and the administration of justice in particular. Cooperation shall particularly aim at strengthening the independence, impartiality and accountability of the judiciary and improving its efficiency, development of adequate structures for the police, prosecutors and judges and other judicial and law enforcement authorities to prepare them adequately for cooperation in civil, commercial and criminal matters, and to enable them to effectively prevent, investigate, prosecute and adjudicate organized crime, corruption and terrorism.

3.2 Deadline set for compliance and harmonization of legislation in accordance with the SAA provisions and Interim Agreement.

ARTICLE 74
1. The Parties recognize the importance of aligning existing Kosovo’s legislation to that of the EU, and its effective implementation. Kosovo shall endeavour to ensure that its existing laws and future legislation will gradually be made compatible with the EU acquis. Kosovo shall
ensure that existing laws and future legislation shall be properly implemented and implemented.

2. Such approximation will start on the date of signing this Agreement, and shall gradually extend to all the elements of the EU acquis mentioned in this Agreement by the end of the transitional period as defined in Article 9.

ARTICLE 9
Association will be implemented over a period of ten years in a progressive and complete manner.

3.3 Assessment of the level of fulfilment of duties/obligations that derive from the aforementioned provisions of the SAA and Interim Agreement.

This Draft Law regulates the transfer of persons who are serving their sentence in the sentencing state to the other state of which they are nationals, to serve the remainder of the sentence.

3.4 Reasons for partial fulfilment, or non-fulfilment/failure to fulfil obligations deriving from the above-mentioned provisions of the SAA and Interim Agreement.
Not applicable.

3.5 Relation to the National Integration Program NIP/NPAA (in the present case relation to the EPAP).

Drafting of this draft law is foreseen in the 2018 Annual Work Plan of the Government, this issue is related to "good governance, rule of law and strengthening of the legal framework in the field of civil law" as one of the strategic priorities of the Government. Also, drafting this draft law is related to the National Property Rights Strategy with the purpose of addressing the legal status of Construction Land in urban areas to create a clearly defined right, over the building and land on which it was built.

4. Compliance of legislation with the EU Acquis.
Not applicable.

4.1 List of primary sources of EU law and compliance with them
Not applicable.

4.2 List of secondary sources of EU law and compliance with them.
Not applicable.

4.3 List of other sources of EU law and compliance with them.
Not applicable.

4.4 Reasons for partial compliance or non-compliance.
Not applicable.
4.5 Time period set for the complete realization of compliance of legislation with EU Acquis. Not applicable.

5. Specify when there is no EU legislation with which compliance is required.

There is no EU legislation with which compliance is required.

6. Are the above mentioned sources of EU law translated in the official languages?

Not applicable.

7. Participation of consultants in drafting normative acts and their opinions on compliance (attach documents of those consulted about drafting normative acts). This draft law is drafted in cooperation with local and international institutions.

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Minister of Justice / 2020